

13-18

AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK IN THE COUNTY OF MIDDLESEX, NEW JERSEY, TO ACQUIRE THE PROPERTY KNOWN AS DARMODY AVENUE, NORTH BRUNSWICK, NEW JERSEY, ALSO KNOWN AND REFERRED TO AS BLOCK 148, LOT 91 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NORTH BRUNSWICK FOR THE PURPOSE OF INCREASING OPEN SPACE WITHIN THE TOWNSHIP OF NORTH BRUNSWICK

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of North Brunswick is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40:61-1, et. seq., the Township of North Brunswick may acquire lands for open space and conservation purposes; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of North Brunswick has the power to acquire any real property for a public purpose; and

WHEREAS, the Township of North Brunswick is committed to increase and preserve open space within the Township of North Brunswick as being in the public interest for the health and welfare of its citizens; and

WHEREAS, Harold Szerlip is the owner ("Owner") of property known as Darmody Avenue, North Brunswick, New Jersey, also known and referred to as Block 148, Lot 91 on the Official Tax Map of the Township of North Brunswick ("Property"); and

WHEREAS, the Owner has offered to sell the Property to the Township for the amount of Two Thousand Seven Hundred Dollars and 00/100 (\$2,700.00); and

WHEREAS, the Township Council of the Township of North Brunswick has determined that it would serve a public purpose and be to the benefit of the health, welfare and safety of the Township's citizens for the Township to purchase the Property as defined hereinabove in order to use the Property for Open Space purposes.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey that the Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary Contract of Sale, Deed and other documents required to transfer ownership of the Property known as Darmody Avenue, North Brunswick, New Jersey also known and referred to as Block 148, Lot 91 on the Official Tax Map of the Township of North Brunswick ("Property") for use as Open Space for compensation payable to the Owner in the amount of TWO THOUSAND SEVEN HUNDRED DOLLARS and 00/100 (\$2,700.00) contingent upon the following terms and conditions:

The Contract of Sale shall stipulate that the Property shall be subject to due diligence inspection regarding, among other things, the environmental condition of the Property. Should any environmental contamination be discovered, the Contract of Sale may be declared null and void ab initio; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.